

US DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF CHILD SUPPORT ENFORCEMENT
SPRING TRIBAL CONSULTATION

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| RE: | : | HELD IN |
| | : | ATLANTIC CITY, |
| MODIFICATION OF THE | : | NEW JERSEY |
| NON-FEDERAL SHARE OF PROGRAM | : | |
| EXPENDITURES | : | THURSDAY |
| | : | APRIL 6, 2023 |
| TRIBAL LEGISLATIVE PRIORITIES | : | |
| | : | 9:04 a.m. to |
| ADDITIONAL REGULATORY CHANGES | : | 2:22 p.m. EST |
| | : | |
| TRIBAL SYSTEMS | : | |
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OFFICE OF CHILD SUPPORT ENFORCEMENT
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DIRECTOR JOHNSON: Good morning. Can you hear us now? And everyone on line. We have a camera that will be zooming in on everyone as we're speaking today. So we appreciate your attendance virtually as well as everybody that's in the room.

I am going to pass the microphone over to my co-facilitator here, Tanguler Gray, in our Office of Child Support Enforcement.

COMMISSIONER GRAY: Good morning. Welcome to the Tribal Child Support Consultation. The first Tribal Child Support -- only consultation since 2008 is what I'm being told. Again, my name is Tanguler Gray. I'm serving as the Commissioner for the Federal Office of Child Support Enforcement. For the past 16 months I've had the opportunity to do several child support programs.

I've heard a great amount of information on each one of them as it relates to the culture, community, and child support operations. So thank you, thank you so very, very much.

I've heard from many tribes about program initiatives, successes and challenges

as well. So I shared with the tribal child support directors yesterday, comments were received around people, process, and performance. Today's consultation, however, is meant to build meaningful relationships by engaging in open and continuous conversation. True consultation information exchange. We want to have a mutual understanding and make informed decisions. So I am looking forward to the feedback and conversation today.

And Melissa mentioned I am joined by Councilman Spoonhunter. We'll facilitate today's discussion, and I'm looking forward to meeting all tribal leaders.

We do have four very important topics on the agenda. The first is the modification of the non-federal share program expenditures. The second is Tribal legislative priorities. The third is around additional regulatory changes. Those that deal with procedural and technical needs. And then the last item on the agenda today will be tribal systems.

So very excited to have all of you here today, an opportunity to participate in the discussion of government relationship. And I

look forward to hearing from you as well.

Thank you.

COUNCILMAN SPOONHUNTER: Thank you,
Commissioner Gray.

This tribal consultation -- I am really honored and privileged to be able to be here with all of you today. It feels like a homecoming. Seeing a lot of family here.

I started out with Tribal Child Support in 2006 with our start-up application at Northern Arapaho which is located in Central Wyoming. We are on a reservation of 2.3 million acres along with Eastern Shoshone, and we both operate a program. We were Comprehensive in 2008, and I was a little boy at the time. And as a Director of Tribal Child Support -- and I still consider myself still a little kid, but I think thank the Commissioner for being here today. I am on the Northern Arapaho Tribal Council. I have been proud and privileged to be able to be Co-Chairman and Chairman and now Councilman of the Arapaho Tribe.

Today we have a lot of to talk about, and it is very important -- we do very important work together here. Especially you

all, the front people on the front lines of federal child support, meeting with our families. And at the end of the day when we talk about child support, whether it's our tribal child support, state child support, and work with our Federal partners, it's all about the children. It's all about the children that we see in our communities and serve every single today.

The services provided by the Office of Child Support Enforcement are critical to our ability to provide the needs to our tribal members. The mission of this office is to serve as a partner for tribes and Tribal organizations in efforts to encourage parental responsibility so that our children receive financial, emotional, and medical support from both parents, even when they live in separate households. The economic situation -- situation of many tribes is our single parents are at a disadvantage when trying to raise a child. And this also means that it is more difficult to enforce child support payments.

The consultation session is an opportunity to work with our Federal partners

at the Office of Child Support Enforcement to shape the guidance of regulations set in place to help support our child support programs so we can ensure that our children and families receive the resources they need. Over the years the number of tribal child support programs has grown. And as of this year there are 60 such programs across the country. My hope is that the number of -- the number of programs continues to grow, and I believe that the outcome of this consultation can help spur the growth.

Today we are talking, as the Commissioner talked about, the modification of non-federal share of program expenditures. I know that the national level with being a member of the OCSE Administration for Tribal Families Advisory Committee, we've heard you loud and clear as directors of programs about the 10 percent and 20 percent match and how it was difficult in the country to meet those needs.

Also tribal legislative priorities, what we would like to see Office of Child Support Enforcement take to the heal for us as tribal

leaders, what we can also do to support you and set goals with things like federal parent locator service, financial institution data match. You know, IRS data. We would like tribes to have direct access to those -- those resources that states do. And every resource that the state has, we would like Congress to pass a legislation so that the tribes have the necessary access so that we can do our jobs also.

Also the additional regulatory changes such as procedural and technical changes to the Office of Child Support Enforcement programs. It's been a long time since I've been in child support so I look forward to the discussion today with all of you.

And also the tribal systems. I was a director when -- when my tribal system was rolled out, and it didn't work for every tribe. And a lot of tribes didn't have the resources financially to operate through the tribal systems. But also there are some that can't help us do our jobs adequately. So I think a federal regulation change so that tribes can have the flexibility to choose the system that

they want to serve their tribes and also to manage the cases would be a plus for everyone.

So with that today, I just want to say thank you all again for being here. And I will turn it back over to Commissioner Gray.

COMMISSIONER GRAY: Thank you.

Melissa is going to provide us with specifics.

DIRECTOR JOHNSON: I can help with that today.

So Councilman Spoonhunter and Commissioner Gray will be providing brief remarks to introduce each topic one at a time. We will take testimony one topic at a time, and then we'll move on to the next one.

As you can see on the agenda, we didn't assign specific times to each topic so we're going to flow. If one topic runs longer than another, that's fine. But we'll just be moving through the topics one at a time. We'll then turn the microphone over after they do their brief openings to tribal leaders who are in person in the room. And then want to give them --

And then we'll do for tribal leaders

that are virtual. And then we'll open it for the designees. We want to ensure that all Tribal leaders have the opportunity to provide testimony.

As a note, during today's consultation OCSE address specific concerns about the proposed rules. We did provide you with a printout of the unified agenda for the proposed rules. So we're not able to provide more information other than what's in that printout at this point in this stage of the regulation process.

We do ask that you use a microphone when providing testimony today. This way everyone in the room and the virtual participants can hear you. We would also ask that you begin your testimony by announcing your name and spelling your name so our stenographer, Darlene -- hello, Darlene -- can note that for today's transcript.

We have a camera operator who will also be ensuring that you can be seen as well as heard by the attendees. We have several that are virtual, and we want to make sure that they can see everyone who is speaking today.

We do plan to take a break mid-morning and an hour and-a-half break and short afternoon break before we wind up at 4:00 this afternoon. Again, we're flexible so we can adjust as we go through the topics today. We just want to make sure that everybody does have opportunity to provide testimony and be heard.

Today's consultation is being recorded and also transcribed. A final report will be issued by ACF and OCSE. Written comments maybe submitted by May 6 at OCSE.tribal@ach.hhs.gov. And I just remembered I forgot to push "record." So bear with me for a moment.

All right. Recording is in progress.

COMMISSIONER GRAY: Okay. Any questions about logistics for today?

(No response.)

COMMISSIONER GRAY: I believe, Ralph, you would open us up with a blessing this morning.

MR. JEFFERSON: Thank you.

Just please pray. We ask the Creator to join us here today and give thanks for bringing everyone here safely. We ask the Creator to clear our mind so that we might hear each other

and speak clearly, have the concerns of our people in our hearts. We ask the Creator help for our elders and help to our children and help to all the families we want to serve.

We thank the Creator for allowing us opportunity for all the nations across the country to talk to our partners about our concerns, hoping they hear us to help us along the way so we can better serve our people.

As always, please bring everyone home safely from this meeting, and all of those who are serving across the world, please bring them home to us safely to join our families here.

Thank you.

COMMISSIONER GRAY: Good morning, again. I'm commissioner Gray. I will call for the first topic of the agenda, modification of the non-federal share of program expenditures.

So this requirement around the non-federal share program expenditure has been a longstanding issue for the tribal child support community. It limits growth, causes disruption, creates confusion as it relates to the program. Our desire is to modify the non-federal share requirement in an effort to

prevent tribal programs from closing.

Successful, it will implement guidance by the secretary that the match will be revised if it was disruptive or if it imposed hardship. It would also remove major barriers that hinder prospective --

DIRECTOR JOHNSON: We have lost connection.

COMMISSIONER GRAY: We're just going to pause for a minute. It appears we lost connection with those on line. No audio.

Good morning.

Testing. Testing.

Testing. Testing. Can you hear us? We're getting yes's. Anyone else besides Miss Lincoln?

Thank you.

So quickly, I will just make sure that I recap what I've communicated earlier. The topic we are starting with is around the modification of the non-federal share of program expenditures. The focus is the requirement focus is on the non-federal share of program expenditures. It has been a longstanding issue in our child support program

in that its growth creates disruption and also instability. By modifying the non-federal share, it is our desire to keep tribal child support programs from closing. It would also provide the secretary with the opportunity that the match rate would be revised if it created disruptive or if it imposed hardship. And so we are also hoping that modifying the non-federal share requirement will remove major barriers as it relates to our tribes and tribal organizations from administering a child support enforcement program.

Also importantly is we want to make sure that there's opportunity for tribal families to receive child support services that reflect and confirm the tribal cultures and traditions, promote parental responsibility as previously mentioned, and create financial stability.

In Federal fiscal year 2020 the Tribal Child Support Enforcement programs collected \$58 million in child support payments. And 96 percent of those payments were distributed directly to the families.

Melissa mentioned that everyone in the room has been provided with a copy of the

Unified Agenda. And just as a reminder, the Fall 2022 Unified Agenda did announce that we were in proposed rule stage for regulation to move forward to modifying non-federal share and tribal child support expenditures.

The Unified Agenda, of course, is a semiannual compilation of information about regulations under the development of federal rules and regulations. And it's published in the spring along with being published in the fall as well.

So we did receive a few questions around the regulation. As Melissa mentioned, we could not provide specifics as it relates to the language. However, we did want to communicate that we will issue an action transmittal when it is published in the Federal Registry. And then OCSE also hopes to move forward with a joint memo if we're able to be successful with the Administration for Native Americans as well in an effort to communicate where we are in the notice of proposed rulemaking stage. And so again our main focus today is just to listen to and to record your testimony about the proposed rules and modified non-federal share for tribal

child support programs.

So we look forward to hearing from you. We want to make sure that we're reviewing your post-consultation with written comments. And we want to make sure that those comments are submitted no later than May 6.

Councilman?

COUNCILMAN SPOONHUNTER: Thank you, Commissioner.

Again, I look forward to the conversation with you all today about the 10 percent, 20 percent match. It is very important that we have our voices heard.

I know I just want to recognize Councilman Webster there. She is also a member of the Administration for Children and Families Tribal Advisory Committee. She is well aware of this too. So I just want to give her a shout out this morning. We really -- we've been talking about this for a long time.

And I know that 10 percent, 20 percent, it's very hard for us to meet. I've expressed to the Administration and Office of Child Support Enforcement and also to Capitol Hill with our congressional delegation in Wyoming to

let them know that as tribes we just don't have the resources that city governments, county governments, the state governments can pull to meet their 10 or 20 percent matches. In their case they have a higher match than we. But we just don't have the resources out in the country. And the Government has the Trust responsibility to us as tribes to help us and in this case, help our tribal children.

And so we look forward to your testimony today with the tribal leaders and those from the tribe to speak. So thank you, Commissioner.

COMMISSIONER GRAY: Thank you.

DIRECTOR JOHNSON: Okay. We're going to open up first to tribal leaders in the room that would like to provide testimony.

Is there anybody that would like to go first? Tribal leaders?

All right. Jennifer Webster, if you could please announce and spell your name so we have that in our transcript.

MS. WEBSTER: Testing. Jennifer Webster, J-e-n-n-i-f-e-r. W-e-b-s-t-e-r. Councilwoman to Oneida Nation.

I just want to give a little bit of background of our nation located in Wisconsin. We're one of 11 tribes, and we are located just outside of Green Bay. Our membership is about 17,000 worldwide with about 4,000 living on or near a reservation. So I'm speaking today on behalf of Oneida Nation in support of eliminating the non-federal share match requirement for IV-D tribal child support programs. Oneida Nation has operated its own IV-D child support agency since 2008 which assists on families by obtaining financial short in enriches the lives of our children. We are one of 60 tribal child support agencies across the country. Tribal child support programs like ours are providing 20 percent match in order to receive Federal funding, also known as non-federal share. This match requirement creates financial and administrative hardships for tribes. During these difficult economic times, tribes have limited resources and often have to make difficult financial decisions on which social programs will receive funding.

On average our staff spends many hours calculating and monitoring the federal match

requirement, and it takes a preparation of multiple staff to report on each year. That consists of our county, our law office, and the staff on site. The time spent on this could be used more effectively to provide additional support to parents or provide additional programming to better stabilize our families.

The match also creates a barrier to entry for other tribes who want to start their tribal child support agencies. While there are 574 federally recognized tribes, only 60 currently operate their own tribal child support agencies. There are many benefits of the tribes to operate their own support agencies.

For example, differences between Oneida child support agency and the typical, Oneida does not charge interest on arrears. Our surrounding county charges six percent currently. Oneida does not charge any fees for costs, court rules or receipt for business disbursement fees. Oneida case managers have smaller caseloads to allow for a more individualized case management approach with the parents and due to the smaller caseloads. Those cases could be reviewed every two years

instead of three years as the surrounding counties. And Oneida offers families the option for non-cash report for family support options. Federal tribal programs like ours are able to directly impact families with more personal and one-on-one customer service, for example, our case managers take parents down to the Economic Support Services Department with a warm hand to help parents with additional services such as job search or needed childcare services. Oneida parents have told us how much they appreciate that we did not charge interest on arrears like the county does and compliments our customer service and the resources that they receive.

The goal of our agency is to be more involved with more referrals to assist our parents with the ADA and mental health issues. They may be able to pay their child support and become more sufficient while encouraging engaged in parenting.

We are pleased that OCSE Commissioner Gray expressed your support eliminating the non-federal share requirement of tribes in August 2022 at the National Association of Tribal Child Support

Directors Executive Leadership virtual meeting and again on October 19th, 2022, at the National Association of Tribal Child Support Directors meeting in Alabama.

If the non-federal share match requirement was eliminated, it would provide all tribal IV-D programs with the opportunity to take a proactive approach to offer its services that are shared. The overall well being of children and families we serve, with our experience we try to establish their own tribal child support programs, increase tribal sovereignty.

So Oneida strongly supports permanently removing the non-federal share requirement for ACF programs, including for the child support.

Thank you so much.

DIRECTOR JOHNSON: Thank you for your testimony.

Are there other tribal leaders in the room that would like to provide testimony?

MS. JAMES: Good morning.

DIRECTOR JOHNSON: Good morning.

MS. JAMES: Good morning. My name is Gina James. I am the program manager for the Quinault Child Support Program, and I am also

on the Business Committee, Tribal Council for several years.

This morning I'd like to offer testimony on the non-federal 20 percent match and eliminating this. For many years we've struggled to meet the in-kind or cash match.

Our tribe is heavily government-employee based. And we have our managers where we could use in-kind for services are indirect. So we've had problems with meeting that because of the -- we can't use that for services that are provided direct. Because we do have a pretty robust treaty in the tribe. A lot of those services are government employees that are mostly indirect because we've -- you know, we've heard from other tribes on what they're using for their -- their matches. But we're not able to. That is a one of the large factors.

And we're also located in Washington state. We have a beautiful reservation that's pretty remote. We're not located next to a major -- major cities. And the next major, we are 45 minutes from the next major city.

So we have to be really creative in our

revenues and our budget spending. We don't have a tax base. We have a 200,000 acres reservation with little over 40,000 members. Probably half live on the reservation and half live off. So we're kind of in that part. Since we're located next to the Pacific Ocean, and we don't really encourage tourism development on the reservation because our members are pretty traditional. They like to have their homeland to themselves. Our beaches are closed. We have to have permission to get permits if it is allowed certain times of the year. When we do close the beach during our annual treaty submit celebration.

But I'd also like to tell a story not only with my tribe struggling to meet the match, but we have sort of sister tribes working with us that are even more remote than us. We actually have -- sometimes we have cases where children are placed with families, and we do the orders from individuals that are north of us on the reservations. And it's funny that the tribe -- the northern tribe won't recognize -- they won't garnish for the State. So if we have that case, we'll --

they'll send it to us to garnish for them. So we're actually enforcing when the State can't. It won't enforce. The other tribe won't enforce. So we're kind of helping out in that way. But it would be really nice if this is affordable for other tribes so they can operate their own support programs.

And I just see a great need in that area for smaller tribes that aren't near large cities where we have economic ventures.

We do -- we do not charge for DNA testing. We don't charge interest. We don't charge for cost. We don't charge for any -- any kind of services that we offer. So we do encourage our clients to transfer their cases from the county because they'll be charged all of those services. And we do our orders on the judicial and base them on actual income also. Sometimes we'll deviate if we know an individual is a new worker, maybe they're having struggles in their life or just coming out of alcohol and drug treatment. And we'll try to do something to help them out to get familiar with the workforce to get to work. And so we offer that. We don't just

automatically impute income.

For a while there our tribe was more minimal wage per hour than our state, so we did offer -- we live on the reservation. We use our minimum wage and what they live off in order to use that as the minimum wage just to help people out. Because obviously it's really hard to get a job if you're on versus off. And so we just try to be creative and do with our orders. We do -- a majority of our orders are treaty-based which is nontaxable. So we have -- we have to be pretty creative. So we do -- most of our income is seasonal. But the non-federal share has been needed for us because most of our services are government-based.

So I'm just -- I'm glad that we're finally here. I've been involved with child support as a case manager since 2009, and I believe we were -- I think we opened in 2006. I wasn't there then. This past year we did abatement -- we added abatement to our Tribal Code which is going to be nice for individuals that are not in that situation.

So I just wanted to relay a little bit

of history about our tribe and our neighboring tribes and how to help them. This will be for them because there are 27 Federally recognized tribes in Washington state, and I believe there might be four or five that offer tribal support programs and many of them are small tribe.

Thank you.

DIRECTOR JOHNSON: Thank you.

Malinda?

MS. BEILER: My name is Malinda Beiler.

I am with the Aleutian Pribilof Islands Association. My name is a spelled

M-a-l-i-n-d-a, B-e-i-l-e-r. So I'm going to read a letter, February 10, 2023. It is to Commissioner Gray.

Dear Commissioner Gray: The Aleutian Pribilof Islands Association, Inc., APIA, is the regional tribal consortium organized as a nonprofit corporation on behalf of 13 Federally recognized tribes to provide services in ten regional communities in Alaska.

APIA was incorporated in 1976 to advance the overall economic, health, social, and cultural development of the people within the Aleutian and Pribilof regions. Through contracts with federal, state, and local

governments, as well as securing private funding, APIA provides a broad spectrum of services throughout the region we serve, including the operation of health clinics, behavioral health and addiction counseling, employment training, education, public safety, and cultural services. The child support program became Comprehensive in 2012.

I'm writing this letter as at formal consultation on behalf of our 13 Federally recognized tribes in our service area regarding the Tribal Child Support Program.

I authorized Ms. Malinda Beiler, Child Support Coordinator, to read this testimony at the upcoming Tribal Consultation in Atlantic City, New Jersey, on April 6, 2023.

We are formally requesting to eliminate the non-federal share requirement for this program. The lack of community resources and the paperwork burden associated with tracking and monitoring this match takes away time from programs working directly with parents. Although it is possible to request a full or partial waiver, this provides only temporary relief and does not solve the issue of the

overburdening paperwork requirement that takes time away from direct services. Because we are administratively operated, we do not have a tribal court. And any type of court-related costs that we can utilize to meet the non-federal share.

With respect to OCSE Tribal Consultation on this matter, APIA is in support of the permanent removal of the non-federal share requirement for tribal child support.

Thank you for this opportunity to consult in our government development relationship.

We look forward to hearing about the next steps to these needed changes to best serve our people.

Sincerely, Dimitri Philemonof, President and CEO, Aleutian Pribilof Islands Association, Incorporated.

Thank you.

DIRECTOR JOHNSON: Thank you.

Are there more Tribal leaders in the room that would like to provide testimony? We'll go over here first, and then we'll come to you.

Yes, Shirley?

MS. ALLMAN: Is this on? Okay. Good. My name is Shirley Allman, S-h-i-r-l-e-y, A-l-l-m-a-n. I am from the Nez Perce Tribe, and I'm going to read a letter from our Chairman that's dated March 7, 2023, to Commissioner Gray.

On behalf of the Nez Perce Tribe, I write in support of the elimination of the Tribal non-federal share contributions as required in the 45 CFR 309.130(d).

The contribution requirement has had an adverse effect upon the child support program, resulting in staff cutbacks and the hindrance of services provided to the custodial parents and children over the years. Our programs funding and services have been reduced due to the difficulty meeting the requirement. In our experience, the Tribal non-federal share contribution requirement has hindered the development of tribal child support programs. And is a barrier to the tribe. The requirement forces critical service programs such as Head Start and child support to compete for tribal hard dollars. Tribal hard dollars are used to support self-government systems in charge of

public safety, health, and natural resources.

The current match requirements are a direct conflict with the interest of all tribes and serve no identifiable purpose. Child support programs are designed to sovereign principles so that each tribe can develop programs that provide stability and economic security, responsibility, and self-sufficiency. Eliminating the non-federal requirement contribution requirement would provide several benefits to the tribe and to their child support programs, increasing overall service quality and increasing financial independence, ultimately leading towards better services and outcomes for our tribal children and families.

Thank you for your attention to this crucial matter.

And that's all I have. Thank you.

DIRECTOR JOHNSON: Thank you so much for your testimony.

Amber? Is it Amber; right?

MS. CALDERA: Good morning. My name is Amber, A-m-b-e-r, Caldera, C-a-l-d-e-r-a. I'm from the Port Gamble S'Klallam Tribe. I am a tribal councilperson, but more importantly,

I've been the child support lead case manager since 2009. So that's why this consultation is especially important to me personally. I'd like to thank you for taking the time to listen today.

We will be providing more thorough written comments but we wanted to discuss some of the highlights here today.

We've had a child support program since 2002. We pride ourselves in offering wraparound services to our own people under our Children and Family Services Department. We offer services, child welfare, child support, foster care, as well as other ACF programs, including elder programs, youth services, and Head Start services.

The non-federal share hinders the development of tribal child support programs and is a barrier to obtain the full funding that Congress intended the tribes to receive for a successful operation in order to fulfill their Trust responsibility. Approximately 90 percent of Federally recognized tribes do not have a child support program.

The non-federal share is an unnecessary

and unjustified burden imposed on tribes that has prevented many tribes from starting Title IV-D programs. In our own child support program, the non-federal share requires staff to spend time and energy documenting all the details of our efforts to provide match funding. And I know this personally. It's one of my least favorite job duties. That's limiting time available for offering outreach services such as fatherhood program and culturally relevant parenting courses.

The match requirements force tribal -- forces tribal support to compete with other programs supported by tribal hard dollars. Hard dollars are used to support critical self-governance functions as well as Indian child welfare, elder abuse support system, safety, public safety, health, and natural resource programs. These are all very critical services. However, children and family services are the very core of our community and the core of who we are as a tribal nation.

Our tribe is still recovering from the unforeseen effects of COVID-19 pandemic, and the last two years have been challenging for

the tribe as the COVID-19 pandemic took a toll on the economy and community. The current regulation 45 CFR 309.130€ makes it nearly impossible for tribes to receive the anticipated emergency waiver. Tribes were able to get emergency waiver due to the pandemic because certain requirements were waived. The waiver requirement needs to be reviewed and reworded to state the following statements will be considered sufficient to merit a waiver under this section without documentary evidence satisfactorily to the secretary. Funds have been committed to other budget items, a high rate of unemployment, a generally poor economic condition, a lack of -- a lack of or decline in revenue from gaming, fishing, timber, mineral rights and other similar revenue sources, a smaller declining tax base, and little or no economic development. Our tribe is thankful for the emergency waivers we've received in the last two years. We commend OCSE for listening to us at the ACF Consultation in Pechanga, California in September of 2019 on how the current 20 percent non-federal share rate has caused an unnecessary administrative burden and undue

hardships on an our tribe today.

We thank Commissioner Gray for putting these issues as her number one priority for tribes. Our tribe supports OCSE's intent to permanently eliminate the non-federal share requirements and look forward to offer additional support to our families.

Thank you.

DIRECTOR JOHNSON: Thank you so much for your testimony.

Yes, sir?

MR. HAWK: Thank you. My name is Warren Hawk. I am from the Standing Rock Sioux Tribe of North and South Dakota, and I serve on our 17-member council. And I'm Chairman of our Judicial Committee and oversight over budget of the federal process.

And so I thankfully have my director here because he sort of helps. He oversees a lot of programs so it's hard to track the individual programs, and each program in need. But the match requirement was not part of the original legislation. It is outstanding, as communicated by to us by OCSE and staff. The match point was added by the Office of

Management Budget, and it was added without Tribal Consultation, meaning that the tribes never had the opportunity to comment on how they would be impacted by -- should they have to start a program. Having a match forces the tribes to consider whether or not they even can afford to have a grant before the tribe can consider the benefits of having the grant to provide the services for our people. The tribes that have an abundance resources rare are exception. Excuse me. Tribes with abundant resources are the exception to the rule and not the rule.

Standing Rock Sioux Tribe is located in a region with low population. While we have tribal gaming revenue, we are limited in our ability to grow that revenue. We are also highly susceptible to losses due to many factors. And most recently the COVID pandemic that has the greater impact on us. Last year when we prepared our budgets, we had cut budgets straight across the board. Every program that we offered to our people, benefits our people, is important. And so we couldn't cut just anyone in a particular budget. So we had to

take -- everybody had to take a hit including our child support programs and programs that benefit our people directly.

In the -- probably out of the 14 tribes in North and South Dakota, only 3 of those tribes operate a Title IV-D program. And the statistic that was given by my friend Jennifer earlier, out of the 574 Tribal nations across this nation, 60 or 61 tribes are operating offering programs. That means there's 90 percent of our tribal programs that are going without this service. And that's a huge number.

So the greater impact is -- is with the start of having to do away, eliminating the -- the tribal match for the federal share would mean great things for our people. Because our tribes -- as a tribal leader, we care about our people and care more for our children. And if we don't have the ability to take care for our children and provide for them, then it really affects our people as a whole.

And in an era where we have an administration that encourages consultation, we appreciate that but we also appreciate some action.

And I appreciate your time for this consultation. It's important. Thank you.

DIRECTOR JOHNSON: Thank you so much for your testimony.

Are there any other tribal leaders in the room?

Yes, sir?

MR. LARGE: Yes. My name is Wayland Large, W-a-y-l-a-n-d, L-a-r-g-e. I'm an Eastern Shoshone Tribal Councilman. We come from the Wind River Indian reservation in Central Wyoming. We share the same reservation with the Northern Arapaho Tribe. Our population is 4,997 membership.

Today I am going to read a letter from our Eastern Shoshone Tribal Business Council from our chairman regarding the letter of court proposed rulemaking for Title IV-D programs.

Dear Commissioner Gray: The Eastern Shoshone Tribe supports the change in the requirements for the tribes to provide a shared program expenditures. Our tribe became a Comprehensive tribe in 2010. We have been struggling to provide the match requirement that is required in place for the past 13

years. This requirement is time consuming, costly to the tribe, and brings staff to use their scarce resources, time to be used on collecting a count for the match. Time spent on compiling the information needed for the match could be better used to assist families with more services to educate and provide more assistance with paternal responsibility, including job and work-related issues, domestic violence outreach, fatherhood services, teenage pregnancy topics, and many other matters concerning child support. The Eastern Shoshone child support program is providing basic child support services to our community.

If the tribes are approved to eliminate the non-federal share of the program expenditure requirement for Tribal Child Support Enforcement programs, we will be able to reach out and serve more of our families. Before the Eastern Shoshone Tribe had a child support program, many of our families did not receive child support. The Eastern Shoshone Tribe commits to assisting the Eastern Shoshone Child Support program by supporting their work with families to benefit the future of our tribe by

ensuring that our children receive support from their parents.

Approval in favor of discontinuing the cost-share of your program expenditures for tribes will greatly assist the Eastern Shoshone Tribe, especially our children.

Sincerely, John R. Sinclair, Chairman of the Eastern Shoshone Tribal Business Council.

Thank you.

DIRECTOR JOHNSON: Thank you so much.

Are there other tribal leaders in the room that want to provide testimony?

Then I will open the floor for those that are on line.

If there is any tribal leaders on line that would like to provide testimony. If either you can come up or raise your hand.

Recognize Gail Hatcher. Gail, are you wishing to provide testimony?

MS. HATCHER: Yes, I am. Thank you. Gail Hatcher, G-a-i-l, H-a-t-c-h-e-r. I am The Klamath Tribe's Vice Chair. Thank you for giving me this opportunity to speak.

These matters are very important to the Klamath Tribes. I'm here today to request a

permanent elimination of the 20 percent tribal non-federal share for the 40 child support programs.

Since time immemorial, The Klamath, Modoc, and the Yahooskin people have lived in Southern Oregon as a federally recognized tribe. Our mission is to protect, preserve, and enhance our spiritual, cultural, and values and resources.

Currently there are 5,813 tribal members with the majority living in Klamath County. Klamath County is the fourth largest County in Oregon, and it is 6,135 square miles. Klamath County is our service area. Our Tribal Government offices are in Klamath, Oregon, which has a population of approximately 776 people. Because we are in a very rural area, we are a remote tribe managing limited economic opportunities and resources. The income per capita in Chiloquen is 58 percent lower than the national average. The median household income is 47 percent lower than the national average. The unemployment rate is 168 percent higher than the national average. And the poverty level is 176 percent higher than the national

average.

These statistics have a very direct impact on the Tribal economy and enterprises. Tribal programs rely on and compete for revenue generated from our tribal casino, which is our primary tribal enterprise. Because funding under this tribal revenue stream is subject to impact such as covid and the fires -- that's just to name a few of the recent issues we've suffered. It has a -- it has a limited funding option.

The elimination of the 20 percent Tribal non-federal share would give the tribes the ability to meet the needs of their Tribal members without fear of exhausting critical tribal remedies for essential services such as law enforcement, housing, health, and education.

For these reasons, we are asking for the permanent elimination of this match.

Thank you.

DIRECTOR JOHNSON: Thank you for your testimony.

Cherilyn, would you like to go next?

MS. YAZZIE: Yes, I would. Can you hear

me okay?

DIRECTOR JOHNSON: Yes. We can. Thank you.

MS. YAZZIE: All right. Thank you.

Yeah. Cherilyn Yazzie. I'm from Navajo Nation, and I have some recommendations from our child support programs staff. And I will be won't be long. This one is titled modifications of --

Oh, I'm sorry. I forgot to spell my name. C-h-e-r-i-l-y-n, Yazzie, Y-a-z-z-i-e. And I'm a Council delegate.

Modification of the non-federal share of program expenditures. Navajo Nation fully supports the elimination of the Tribal non-federal share. The elimination of the non-federal share of the 20 percent match would be beneficial to the Navajo Nation as the nation is experiencing limited economic and financial resources. The nation must make difficult decisions as to which Navajo Nation programs can fund.

Child support is an essential program providing direct services to our Navajo children and families, thereby must be funded

by more than 7450 active cases worked by Tribal employees. Tribal child support programs are designed upon sovereign principles so that each tribe can develop programs that promote stability and economic security. If tribes are not able to provide the non-federal share, children of low income families will suffer. The elimination of the non-federal share would send a message that the ACF understands this and is flexible in its approach to enable tribes to achieve ACF program objectives.

The next one is tribal legislative priority. Additional regulatory changes such as procedure and technical changes.

Navajo Nation expresses the need for continuing collaboration as contractors to the states in Arizona and New Mexico Child Support Enforcement program for interception of Federal tax refund as child support collections. New -- Navajo Nation has an agreement with Arizona and New Mexico to utilize automated child support systems which allows for enforcement remedy to a federal income tax interception for child support arrears, accumulated as nonpayment by the noncustodial

parents. The child support collections would decrease without the interception of federal income tax, thus hindering the needs of the children. In some cases the tax interceptions are the only payments to our families yearly, and the families benefit from these interceptions.

Thank you.

DIRECTOR JOHNSON: Thank you for your testimony.

Are there other tribal leaders in the virtual that would like to provide testimony?

Thank you, Gidget. I see that you will be providing testimony written comments.

Any other tribal leaders virtually?

Okay. So our next step is we're going to open it up in the room for delegates. So any delegates that want to provide oral testimony in the room, we'll go to that next about the non-federal share. And then after the delegates in the room, we'll open it up to the delegates that are appearing virtually as well.

Are there any delegates in the room that would like to provide testimony? Yes?

Lynette?

MS. DIXEY: Good morning. My name is Lynette Dixey. It's spelled L-y-n-e-t-t-e. Last name Dixey, D-i-x-e-y. I'm just going to say thank you.

My name is Lynette Dixey and last name is Farmer. My dad's name is Lynn Dixey. He's the people I come from. And the Shoshone Tribes are located in Fort Hall, Idaho, the south extreme part of Idaho.

And this morning I was -- I was given permission to testify on behalf of our tribe from our Fort Hall council. Our vice chairman wasn't able to make it due to a family emergency.

We've been running our program since 2015. And in that time we've collected \$1.3 million in child support and arrearages. And before the program became Comprehensive, the families relied on outside sources of the state programs to assist with collections, but because we're a sovereign nation, they weren't able to collect from per capita which we now can which has really assisted our families on the reservation.

Why should OCSE consider reducing the

non-federal share from 20 percent to zero? I did some research through our Census Bureau for our community and also looked at the website for OCSE. And in the analysis, this data blog, Exploring Tribal Demographic Data, Part One, it states that nearly one third of Native Americans living in the areas where a tribal child support program is present live in poverty.

Number two, the Census Bureau calculations for the Fort Hall Reservation Native Americans through the Americans Community Survey found that 12.6 of the population is unemployed. And 45 percent of that had an annual income of \$24,999. So that's -- that's not very much. Our income level there average is pretty low.

And also indicated in the survey 18.9 percent of grandparents take care of their grandchildren. Forty-seven percent of that are 60 years and older. Currently with our program, 61 percent of our cases are non-federal share. Parents do not pay child support. But if it wasn't for that tribal child support or that child support garnishment from our per cap program, hardly any of these families would be

getting anything.

Funds allocated for the non-federal share requirement to be reallocated to other areas to assist in our tribe. Sorry. I have to read this.

Funding resources to assist -- oh, these are the areas that I or that Council has felt we could use to allocate other parts of the tribe. Funding resources to assist grandparents taking care of grandchildren. Assist unemployment -- unemployed noncustodial parents with training, education, and job search. Assist poverty stricken families with supplemental assistance or allocate for funds for its programs that can assist the families, help with critical infrastructure such as upkeep of buildings, employ more emergency personnel, and possibly rebuild a child building that housed several of our community assistant programs that was destroyed due to water damage.

The 20 percent non-federal share requirement is a hardship for the tribes. Although match has increased by Title IV-D and our general fund, it has averted to ask the

court personnel to make a commitment to keep records of the time given to child support cases. And general funds may not always be available as they also fund other -- other programs within the tribe. And those funds can be utilized to supplement other needed programs for tribal members.

We are fortunate to receive an emergency -- we were fortunate to receive an emergency waiver for the past two years as it has put on the child support program. If non-federal share requirement was reduced, other tribes can invest in important programs, allowing sister tribes to work together to collect child support. Removing the non-federal share will allow child support program to be less stress and less worry about the budgets and more productive in creating ways to assist the community and producing responsible parenting through outreach and education. There can be only -- only be positive changes in removing the non-federal share requirement.

And I thank you for this opportunity to be able to speak and to be able to have an

opportunity to give feedback the 20 percent match.

Thank you.

DIRECTOR JOHNSON: Thank you, Lynette, for your testimony.

Are there other delegates in the room that would like to speak about the non-federal share?

MR. JEFFERSON: Thank you. Ralph Jefferson, J-e-f-f-e-r-s-o-n. I'm here reading a letter on behalf of our Chairman, Anthony Hillaire, which states: I write a letter on behalf of Lummi people in support of the efforts of the Native Nations across the US seeking to eliminate the non-federal share that each tribal IV-D agency is currently required to report for the operation of their Title IV-D child support programs.

Title IV-D programs benefit tribal children in both financial and emotional support. The 20 percent non-federal match is a barrier preventing other tribes from developing child support offices for their people and their children. Current match requirements serve no regularly identifiable purpose.

Tribal child support programs are designed upon sovereign principles that each tribe developing a program that promotes the stability, economic security, and responsibility of self-sufficiency. These core values and principles are desired components of programs ACF administers on behalf of children and families everywhere. The Lummi Nation has been more fortunate compared to other tribes that have little economic development.

The Lummi Government must decide which social programs to fund. Our funds could be redirected to battle the opioid crisis, which programs can continue to exist based on the funding shortfalls. Money is tight within the Indian country. Eliminating the non-federal match would send a message that ACF understands this and is flexible in its approach to achieving the stated ACF objectives.

In closing, the Lummi Nation fully supports the elimination of the Tribal non-federal share.

Sincerely, Anthony Hillaire, Chairman of the Lummi Nation

DIRECTOR JOHNSON: Thank you, Ralph.

~~Are there other delegates in the room~~

that would like to provide testimony?

Sue?

MS. SMITH: Okay? I am Susan Smith,
S-u-s-a-n, S-m-i-t-h. I'm from Lac Courte
Oreilles

Bank of Lakes Chippewa, and I've been with
child support director of our child support
program since 2010 when we started. And I have
had experience as to the challenges, burdens,
and hardships of the current 20 percent match
that match creates. It limits growth. Match
rates vary between tribes to establish a child
support program of other tribes in our area.
The match is disruptive. The 20 percent match
requirement takes tribal resources from other
tribal entities and putting a burden on the
rest of the tribe.

ACH, ACF, OCSE, we all serve the
children and families first. And how sincere
are we? If we are sincere, then let's take
action that would support our words. The
population I'm speaking of my tribe are people
who are stricken with high poverty and all the
challenges of the burden of poverty, much
created by historical trauma heaped upon us by
past government policy, boarding schools,
assimilation, and

relocation. We all know that history.

And currently our communities, due to the pandemic, have seen increase numbers of homelessness, opioid drug addiction, and often increased death, with children with loss of a parent.

Our needs have increased -- have an increased need for meaningful outreach for our families is a high priority right now. The 20 percent match creates a limitation on the outreach efforts. Without the burden of the high 20 percent match for tribal child support would have increased the ability to reach out to our children, families, and support their efforts to support their children in all aspects of responsible parenting. Our child support would have greater ability to expand our efforts to work with parents in a more than enforcement role, help our parents to simply find meaningful employment due to expanded collaboration with our community employers, programs that serve, which include tribal, county, state and federal.

To support our children and families, we ask that you reduce or eliminate the match to

more fully meet their needs. We agree the following statements of need accurately reflects the goals of our program. We both agree the statement of need to ensure that opportunity of our incredible families to receive child support services that reflect and affirm their tribal cultures, traditions, and to promote parent responsibility, create financial responsibility, and lift out of poverty. So I'm asking that the match be eliminated.

Thank you.

DIRECTOR JOHNSON: Thank you, Sue.

Is there anybody else in the room that wanted to provide testimony?

(No response.)

Susan Smith: Sorry. My Tribal Council asked to make a statement today, but they will be submitting a written testimony too. Sorry.

DIRECTOR JOHNSON: That's okay. Thank you.

All right. If there's nobody else in the room, I'm going to open it up to the virtual attendees.

And I believe Kristin White Eagle? You have requested to provide testimony. We're

providing testimony at the moment around the non-federal share.

MS. WHITE EAGLE: Hello. Thank you. Greetings, everybody. [Native language.]

I want to thank you, Commissioner Gray, for offering this opportunity to share the Ho-Chunk Nation's concerns with the tribal non-federal share and how it negatively affects the tribe.

We appreciate that ACF is making efforts to abide by Executive Order 13175 regarding Tribal Consultation. It recognizes our inherent sovereign authority to self-govern and by coming to the table to find ways to grant the tribes maximum administrative discretion, it preserves the prerogative, the authority of the tribes set forth under Section 3 of that Executive Order.

I'm here as an elected official for Ho-Chunk Nation, my second four-year term. And I did attend the 2019 Consultation and plan to restate our position from them. I appreciate this opportunity to attend virtually today.

Of particular interest to the Nation is the topic of non-federal shared program

expenditures for tribal -- IV-D agencies. And the Nation is still in support of the elimination of this requirement.

Now, while the Nation consistently met the regulation requirements preCOVID-19, the pandemic has exacerbated and brought to light during our comments, and that was during September 16, 2019, Tribal Consultation in Temecula.

The Ho-Chunk Nation does have a unique situation. We're a unique tribe in that we lack a reservation, and we lack a contiguous land base. So instead we have pockets of Trust land that spread out across the state of Wisconsin, and our legislative represents four different districts. I represent District 2. We've a District 4 which encompasses all tribal members that reside outside of Wisconsin, so this does become challenging to serve each with direct services. And this is one of those services that is available to those near and far to their tribal governments. And as such we think it's very vital towards keeping our families connected to their tribal nation with this service.

A little bit of background on our agency

and the child support program. The Nation was awarded start-up child support funding from ACF back in 2012. After that start-up period concluded, we received notice in 2014 that it was awarded Comprehensive funding. During that initial year of being comprehensive, the Nation claimed that the rental fair market value square footage over its space to meet its 10 percent non-federal share. But unfortunately in 2014, Part 74 was removed. And with it that more friendly provision regarding the rental FFE.

So initially, you know, the Nation was not negatively impacted, although it did place more stress on Title IV-D agency to scramble to try to make up that difference. And also to think outside the box in counting for in kind.

Now, following the onset of the recent pandemic, the Nation continues to struggle to meet the non-federal share match and that, you know, it's due to, extraordinary measures taken, you know, not only to sustain our Tribal -- our Tribal Government, our people as a whole, but we're also forced to strip away many in-person services. And that agency has

to make cuts in personnel, both of which were heavily relied upon and satisfied the non-federal share since, you know, the Nation was no longer able to rely upon the FMB over that space. So we were one of the other nations and I'm hearing from other officials and representatives that, you know, that emergency waiver of non-federal share of program expenditures, we -- we had to use that waiver as well. We appreciate that.

The nation's child support agency continues to operate with that reduction in staff, curtailing travel, changing how it tracks time and effort under the grant, to better reflect the lower amount of tribal in-kind that's available. And although program adaptations are helpful, the lean style of the federal programs, it limits the type of service -- the services that the agency can offer. While we are on a slow path of economic recovery -- and just as well as most of the world is -- we do want to address the elimination of the tribal non-federal share from a preparedness lens.

So all of many nations would -- are especially hard hit by the pandemic, it has

forced many of the governments, the Ho-Chunk Nation as well, to make difficult decisions as to which social programs to continue to fund. So, for example, do we now use tribal funds to battle the opiate crisis? If so, which programs, you know, that may be at risk. How do you offset those short tells, you know, for critical service.

So tribes already were at a disadvantage to begin with. We lack resources. Many times proper taxation base. We have limited economic diversification. We're oftentimes in remote regions. And add that pandemic that we're all aware of, and a change in FMB allowances in the past, we just simply cannot meet the 20 percent non-federal share. Tribes that operate child support programs do understand that there is that mechanism in place to seek that waiver. The problem, though, is that many tribes do not experience the circumstances on a temporary basis. Each and every year there exists high rates of unemployment, poor economic conditions, you know, all of these factors that they mentioned before. And on top of that, we're combatting, you know, drug epidemics

throughout our communities. So additionally with the waiver not being guaranteed, this does lead to program instability. It also hinders program development to meet the needs of the community and it discourages the adoption of efficiency improvements such as costly technology and applications that are needed.

Now, looking at child support programs, these programs, this is the bedrock of Tribal sovereignty. So in other words, the bedrock of child support programs is our tribal sovereignty. The purpose is to allow tribes the ability to develop culturally appropriate programs to promote the stability, economic security, responsibility, and, you know, the self-sufficiency of our people. These core values and principles are desired components of programs as administered by ACF on behalf of children and our families.

If child support programs close based on the inability to meet non-federal share, it's the tribal children of low-income families that are going to suffer. So in Wisconsin, you know, our child support agency has really been a critical, important tool to use towards the

exertion of our Tribal sovereignty.

So with Wisconsin statutes, we do have a legal mechanism in Wisconsin that we can easily transfer our civil cases into our Tribal Court. So working in a government to government relationship within the state of Wisconsin, we are able to many use MOUs with the counties to streamline and transfers of mass caseloads of counties at a time. So therein again, you know, this is exerting our sovereign right to handle our own domestic matters within our fully capable judicial and social service systems.

And if we take a look at the affected tribal members, our tribal members have often not had the best relationships with their own county child support workers. The county often lacks understanding of the historical trauma that can lead to chronic joblessness. Excuse me. Joblessness. They don't always understand that a parent has no control over the tribal laws that address how recognition and enforcement actions are addressed within the tribe. They struggle with having a driver's license that may have been revoked, and that

makes it more difficult obviously to maintain employment or even gain employment. So now with parents -- you know, they're finally seeing payments that they have not seen in the past, and that's due to the willingness to work with tribal agencies as opposed to counties. You know, our tribal families are benefitting greatly from having our Ho-Chunk Nation child support agency doors open.

Now, start to conclude here and do want to say that in order to continue to provide this valuable services, we ask that the Federal Government eliminate this tribal non-federal share due to its financial restrictiveness that could limit our services or force us to eventually close our doors altogether.

We believe the elimination of a non-federal share honors the Federal Government's Trust responsibility to assist tribes in achieving self-determination and exerting its sovereignty over its own domestic affairs. As such, we would request that the Administration for Children and Families begin the process required to make such elimination a reality.

Thank you. [Native language.]

DIRECTOR JOHNSON: Thank you so much for your testimony.

THE WITNESS: Thank you.

DIRECTOR JOHNSON: Are there any other individuals that are attending virtually that would like to provide testimony today? About the non-federal share.

(No response.)

DIRECTOR JOHNSON: Yes, sir. In the room we have a speaker.

MR. MAJDIC: Hi. My name is Tom Majdic, T-o-m, M-a-j-d-i-c, and I'm the program attorney for the Northern Arapaho Tribe. And I've been in this capacity for the last two years.

And I have prepared anticipated waivers for the past two years for the program. In my prior background before I was an attorney was accounting, so I particularly enjoyed looking at the numbers for the tribe. And it looks like several years before I came aboard, there was no elimination of being able to use the fair market value for the building that the program is inside. And that really upended

the tribe's ability to be able to come up with a match.

This is the first time I've heard today tribal hard dollars. It's a really interesting term for me. And basically it's -- it was leading away from being able to provide alternative forms of payment to the words "tribal hard dollars." And a lot of individuals have spoken about here today, tribal hard dollars are a scarce resource. There's a lot of tugging, opposing concerns for those tribal hard dollars. Plus, there's not a lot to begin with. And it was a great -- and we were very heavily affected by covid. In fact, probably the most heavily affected area in the state of Wyoming. And the casino basically shut down. And even today I like to go up there for my lunch every now and then, and the numbers of individuals in the casino are nowhere near precovid levels. But I don't know when this elimination was going to be decided upon or such, but I have a lot of concern about us being able to come up with any additional funds or concern. But, you know, I'm not sure what OCSE would want from us with

regard to, you know, a valid reason for another elimination. But it is very necessary for the program to be able to ask the elimination of the tribal match. And this program was a wonderful program for the tribal community, like everything that's been said this past week about this program, the cultural aspects and the one-on-one with individuals. This is a very important program for Northern Arapaho community. And I would ask that tribal match be eliminated.

Thank you.

DIRECTOR JOHNSON: Thank you, sir, for your testimony.

Is there anyone else that wanted to provide testimony about the non-federal share? Either in the room or virtually?

(No response.)

DIRECTOR JOHNSON: Am I missing anyone? All right. I don't see anyone else.

Councilman Spoonhunter or Commissioner Gray, do you want to say anything as we wrap up the non-federal share discussion? I know we're scheduled timely for a break right now. Did you want to provide any comments as we wrap up

the testimony on this particular topic?

(No response.)

DIRECTOR JOHNSON: All right. They're indicating that it looks like you all have done a great job covering the issue, so we're going to take a 15-minute break. If you could be back here at quarter to 11. Those of you virtually we're talking Eastern time, so we're going to take a 15-minute break, and then we'll be back.

(A recess was taken from 10:45 to 10:57 a.m. EST.)

DIRECTOR JOHNSON: All right. I think we're going get started.

The next topic -- little bit a delay there. The next topic to hear from you, what you might have as legislative priorities. I'm going to turn it over to Councilman Spoonhunter to introduce this topic.

COUNCILMAN SPOONHUNTER: Thank you, Melissa. So we are -- going to begin now Tribal legislative priorities. And some of these priorities, I know that a lot of you have been waiting for this for a very long time. We were talking about the same subjects when I was

a director in my tenure over at the Northern Arapaho

Tribal Child Support.

As I talked about earlier, it's very important that the Office of Child Support Enforcement with help with tribal legislative priorities. For example, I talked about one, for example, is the IRS data and having access to that. It's very important for tribes, and we don't have that. A financial institution data match to

share federal parent locator service. A lot of things that the state have access to and the tribe has to go and access through their states. And unfortunately, and as we see it in the country and as tribes -- there are a lot of tribes that don't have that collaborative interaction with their states unfortunately. And they have a hard time coming to the table with their states with access to provide these services for tribal child support.

And so today again, you know, we look forward to the conversation about what is the tribal legislative priorities for Indian country today here in tribal child support. And that the dialog that is secondary -- is very important to us, not only to OCSE but also as

tribal leaders so that we can talk to the people that we need to in Congress to help us move this along. So make sure that this gets done for Tribal child support and also for the Office of Child Support Enforcement.

Thank you.

COMMISSIONER GRAY: Good morning and welcome back. I want to thank you, Councilman Spoonhunter, for those examples.

Just as a quick reminder, last April Chad Sawyer did provide a presentation on the federal legislative process. OCSE, of course, is a part of ACF and HHS. We are required to adhere to that process. That process includes us submitting legislative proposal for consideration in the President's budget. The Administration for Children and Families as it relates to this legislative process coordinated through the Office of Legislative Affairs and Budget -- normally we refer to them as OLAB -- about and these proposals are required to be submitted, most oftentimes two fiscal years prior to when they're due. So every federal agency submits proposals.

There are many factors that impact the

process as it relates to the proposals that are submitted. So we just want to make sure that we provided you a very quick and brief reminder about the process around these legislative asks or proposals.

We do look forward to hearing from you in those areas that are very, very important as it relates to the need to support legislative requests. And so I'm going to turn it back over to Melissa to get us started on the feedback from our tribal leaders.

DIRECTOR JOHNSON: Thank you, Councilman and Commissioner Gray.

So at this time we would be taking any oral testimony in the room. And we want to talk about what are tribal priorities when it comes to legislation for your communities and your programs.

So if there's any tribal leaders in the room that would like to provide testimony about legislative priorities, we would open the floor for Tribal leaders in the room.

MS. CALDERA: Good morning.

DIRECTOR JOHNSON: Good morning.

MS. CALDERA: Amber Caldera again. Port

Gamble S'Klallam Tribe, Councilperson for the lead child support manager.

The tribal legislative priorities that we are focusing on, we are aware of the legislative changes currently happening for tribes to have direct access to the federal tax refund offset program, and we ask for your support in this issue.

We depend on IRS collections and are fortunate enough right now for the Washington State Division of Child Support to intercept federal tax offsets on our behalf. This may change to the due to the language the IRS is enforcing, tribes as a contractor. Many of our families depend on these collections. And for many of them, many of our cases, this is the only thing a parent may receive for the whole year.

That's all. Thank you.

DIRECTOR JOHNSON: Thank you. Thank you, Amber.

Are there other tribal leaders in the room that would like to provide testimony around legislative priorities?

(No response.)

DIRECTOR JOHNSON: Okay. Are there tribal leaders on the line virtually that would like to provide testimony about legislative priorities?

(No response.)

DIRECTOR JOHNSON: I'm not seeing any hands raised or anyone in the chat. Are there any tribal leaders that want to provide testimony on line?

(No response.)

DIRECTOR JOHNSON: Okay. I will move on then to open the floor here in the room to any delegates that would like to provide testimony around Tribal legislative priority.

Oh, Jennifer Webster.

MS. WEBSTER: Good morning again.

I would like to support the legislative change to give all tribes access to federal tax offsets. Currently the Oneida Nation uses the state of Wisconsin's KIDS system. We are able to intercept federal and state taxes for child support. We would like to see all tribes have direct access.

[Native language.]

DIRECTOR JOHNSON: Thank you.

Were there any other Tribal leaders or delegates in the room?

Lynette?

MS. DIXEY: Thank you.

Currently our arrearages just went up \$2 million -- over \$2 million. We started to -- we just had got our people with North Dakota, and then the IRS changed direction on us. So, unfortunately, we weren't able to collect anything.

But the Shoshone-Bannock Tribes with -- you know, really appreciate direct access to the Federal tax refund offset to improve our -- will -- and that collection will improve collection of the past-due child support.

Thank you.

DIRECTOR JOHNSON: Thank you, Lynette.

Is there anybody else in the room that wanted to provide testimony on legislative priorities?

Tish?

MS. KEAHNA KRUZAN: Good morning, everyone. [Native language.]

I am Tish Keahna Kruzan, and I'm Meskwaki, but I work for Lac Courte Oreilles

proudly.

I worked alongside some of you for so many years on this issue. We began both as the National Tribal Child Support Enforcement Association and the National Association of Tribal Child Support Directors to focus on a way to communicate the need for parenting, for tax offset for tribes. We've been working on this so long that Councilman Spoonhunter was extremely young back then. He's not old now but he was really young then. It's -- it's been -- it's been many years. I think it's been 12 that -- that this official course change.

I believe it's worthwhile to take the time and testimony to talk about community. And this community of tribes, how we work together and how we try to problem solve. I look around the room, and we as a community do this work together.

[Indecipherable.]

I was just gearing up to it.

DIRECTOR JOHNSON: I know. I want them to hear that.

MS. KEAHNA KRUZAN: Try it again? He

hung up on me.

I think Councilman Spoonhunter didn't think it was funny.

Yes. Melissa, can you hear me?

Well, can they hear me?

DIRECTOR JOHNSON: Yes, they can. We're good.

MS. KEAHNA KRUZAN: Okay. Okay.

To continue, we've been working on this issue for at least 12 years. But if you go back -- officially as subcommittees for the national tribal organizations. But if you go back you can -- this idea of tax offset -- direct access for tribes, you can find language going back to materials from 2002.

I heard somebody earlier -- and it may have been Councilman -- that stated that the tribes being left out of this clearly was not intentional at the time. It was an oversight. But the problem for us as tribes is, how do we remedy an oversight? How does our voice get heard when you've been overlooked?

So for all these years we have continued to educate on this issue, to talk to legislators, to talk to OCSE, to talk to the

IRS. And we understand that this requires a legislative fix. But we also understand that the administration has a very important role in this. The testimony here today can go forward and note that tribes speak in unified voice with this issue because tribes care about their children and they want to get that -- that access to those funds to their children. To our children.

And I had begun to speak a little bit about our community before this -- before I was -- got the time out on the football field here and short of my field goal. I look around this room. I'm looking straight at Sis. And I look at -- you know, Jerl, and so many other people in this room. We work together. We work together toward this goal. Ralph Jefferson mentioned earlier this morning that it doesn't matter if it's a tribe that has money and can manage to offset something. We speak in one voice for all the tribes hoping that other tribes get access to this. So even if a tribe can find a way to support their members without this, they still say let's get this done for tribes. Not just our tribe.

That's how we work as a community.

So this offset is very important because of that parity in access. When we're working alongside the county and the state for our citizens, we don't want our citizens to be treated less than because we don't have access to tax offset. We've been scrambling for years. Jerl and Standing Rock -- with Standing Rock and Lac Courte Oreilles began an innovative program to try to do this, to provide tax offset for our members, our families, and our caseloads.

And then as Lynette indicated earlier, she joined too. And then all of a sudden that was pulled out. These are challenging, challenging times to try to remedy this, to try to remedy this oversight.

As you know, Senate Bill 534 would have done that. It needs to be brought forward again in whatever -- whatever form it will be next. But that language in there would have remedied that for tribes. It would have fixed something long overdue to be fixed.

A portion of that, as a legislative priority as well, is that it also remedied something for states and tribes together. All

of this time -- I would like to make sure that my part of this testimony reflect that we have had a lot of support from states. From state directors, from state -- states officials. They have supported -- we've had several letters of support from state directors across the country.

Now, when Senate Bill 534 was drafted, a portion of that also addressed something that has been an issue for states for over 20 years as well. That combination of tribes and states working together to fix something should not only be acknowledged, it should be lauded. It is an important thing because we are seeking to support our families together. Tribal children and their families are also state citizens. I mean, we might not have gotten the right to vote until 1924, but now we are. We are -- we are federal citizens, state citizens and tribal citizens. And at this time we've been working in the states to -- to remedy these oversights.

So LCO, back in 2012, supported -- Sue and I -- going forward and trying to educate nationally. The Tribal Council acknowledged that right away that this was an important

issue.

And so we ask you to elevate these voices and the support for fixing this and finding a way to renew our goals for our families both as tribal and as state citizens lifting our voices with us.

[Native language.]

DIRECTOR JOHNSON: Thank you, Tish, for your testimony.

Yes. Jerl?

MR. THOMPSON: Good morning, everyone. I'm Jerl Thompson, J-e-r-l, T-h-o-m-p-s-o-n, from the Standing Rock Sioux Tribe.

I'd like to thank Tish for her comments and so add that on to their -- as she had mentioned, Standing Rock was a cofounder founding member of the tax offset partnership with the State of North Dakota back in 2014, 2015, to -- as a way for us to innovate and to find a way for tribes to have access to federal income tax offsets.

And we also want to thank director Jim Fleming from North Dakota for helping us to provide that innovation and being so open to it. But I think it demonstrates that though

this was an oversight in the setup of this enforcement measure, tribes and states have had this long history now of collaborating to find a workaround to grant us access. Because everyone benefits when we all have the same, you know, equal capabilities to provide for our children and families.

And, you know, we'd be remiss if we forget about the historical and cultural impacts that tribes face with regard to being able to provide for our children and families. And so often, it seems that tribes can feel sort of like second-class citizens to states. And the fact that this has been allowed to go on for so long without a legislative fix, unfortunately, sort of adds to that. And we really do need to start somewhere here where tribes are viewed at the same level as states when programs like this are set up. There is no reason for the tribe to not have the same access to all enforcement measurements that states have. We have the same -- or can build the same capabilities.

In fact, I would say that because of working in the tax offset partnership, we've

had to go, you know, sort of one level beyond what states have had to go through to get access to tax offsets. And have in that time demonstrated our ability to carry out and to adhere to the same IRS standards and laws that the states have.

So it was very disheartening when we found out that we were going to lose this ability for Standing Rock. You know, we have almost nearly ten years built our program around having this as one of our enforcement measures, and our children and families expected that we had this capability. And now they are forced to, you know -- as much as we can try to explain to them what has happened -- go without. And like was mentioned before, for many of the cases, this may be the only time that they receive any type of benefit or any kind of recovery from what has -- from the resources that are due to -- due to them. So I can't say -- and because of the nature also of the way in which we had to sort of go in through the back door to get access to this. You know, we weren't ever allowed to keep sort of robust data, you know, that they could

report to the feds on how much this was benefitting us.

But now we can definitely -- even though this was the first quarter, I was telling Sue earlier that when I was looking at our first quarter numbers for collections, you can already see that they were impacted. And that was -- that's even factoring in that we had obviously, like everyone else, had seen this great dip in collections during the pandemic. But over the last two years when you look at our collections, you can see that steady increase. And now that's going to be affected because federal income tax offsets have been part of what we enforce just like the states. But now we won't have that capability. And our children and families on Standing Rock and throughout the Indian country will be negatively by that. So as with everyone else, we request a legislative fix, and we request full support from Office of Child Support Enforcement in getting direct access to federal income tax offsets.

Thank you.

DIRECTOR JOHNSON: Thank you, Jerl.

Is there anyone else in the room that wanted to provide testimony on legislative priorities?

(No response.)

Chairman Fairbanks: Hello. Can you hear me?

DIRECTOR JOHNSON: Yes, I can.

Chairman Fairbanks: This is Reagan Chairman Fairbanks from the White Earth Nation of Minnesota. You know, I wanted to say a few words and add to the testimony.

I'm listening to some of the leaders here talk about the disparities and the -- you know, the support that our fathers needed. You know, and kind of go into a different realm here, and talk about myself and, you know, in leadership across True Island here that, you know, I know that the Office of Child Support Enforcement has been there for quite a few years, and I want to say for assisting us and guiding us in ways. But also there are other parts, portions of it that we do need more help.

You know, in the Minnesota we have -- a huge problem with the drugs the fentanyl, the

opioids, you know, and us combatting that.

And then myself as a leader of our tribe in trying to -- to keep everyone on a good path, on the right road. You know, I know that the Office of Child Support Enforcement is something, I think, is a very delicate part of, I think the piece of the puzzle. And I know that we have to -- you know.

And one thing that I wanted to stress also is that, of course, us up here in working with our parents and in our division of child support, I think it's much needed that we get the full support from the Office of Child Support Enforcement. You know, full funding.

I think we do a good job of trying to integrate our programming together along with healing. You know, and I know that a lot of us, you know, here -- here in my building here that we work hard on trying to devise ways of not only use the Western medicine but our own medicine that was given to us by our forefathers.

And I think it's important that we look at this and, you know, I see it as a really good positive for all of us that we're working

today and meeting today and looking at ways how we can support health and integrate different ideas together to help us. So and to combat these and do a promise to our people. Why are these parents, you know, neglecting their children? Why are the -- why does the system that today is the way it is today?

And I'm not taking it into negative -- negative things that -- things that we had to commonly use that come out of us. And I just want to say, you know, on the record as a thing that White Earth Nation, we do support the Office of Child Support Enforcement, but also we -- we encourage you to listen to all of us, which you're doing today. But also keep in hand that we have a huge other burden alongside of all of us. And we're trying to fix what we can and fix our fathers and our mothers. You know, and as a council member, as chairman, we are tasked with that. You know, it's a tough task. And I believe that you can, you know, slowly as we heal together that we can fix.

So one of the things I'm getting at is I'd like to see that this program be fully funded by the Federal Government.

[Native language.]

DIRECTOR JOHNSON: Thank you,
Councilman.

Ralph? I know you had your hand raised.
So we'll go to you next.

MR. JEFFERSON: Thank you. I don't have
anything new to add. I just wanted to voice
support for the legislation that would give us
access to the tax offsets and also help our
state partners. And more so just to let your
team know that this is something that tribes
across the nation support and want and hope
that you'll be able to help us with that.

That's all I wanted to say. Thank you.

DIRECTOR JOHNSON: Thank you, Ralph.

I know Cherilyn online had asked this.
I already promised Cherilyn she could go next.
Could I come back to you after that?

FROM THE FLOOR: Yes.

DIRECTOR JOHNSON: All right. Cherilyn?

MS. YAZZIE: Hi. This is Cherilyn. Can
you hear me okay?

DIRECTOR JOHNSON: Yes, we can.

MS. YAZZIE: All right. Good morning,
everybody. I'll spell my name.

C-h-e-r-l-i-l-y-n. Y-a-z-z-i-e. And I'm a Navajo Council delegate, and we're discussing the tribal legislative priorities. I'll read that again. I made a mistake last time.

So Navajo Nation expresses the need for continued collaboration as con -- I'm sorry -- collaboration as contractors to the Arizona and Navajo Mexico -- New Mexico Child Support Enforcement program for the interception of federal tax refund as child support collections.

The Navajo Nation Child Support Team are trained in protection of federal tax information which they must comply with at all times. The staff are required for certification in protecting federal tax information and they understand and acknowledge the requirements. Navajo Nation has agreed with Arizona and New Mexico to utilize the automated child support systems which allows for enforcement remedy for federal income tax interception for child support, arrears, accumulated as nonpayment by the noncustodial parent.

The child support collections would

increase without the interception of federal income tax, thus hindering custodial parents from meeting the needs of the children. In some cases, tax interceptions are the only payments to the family yearly. The families benefit from the interception of involuntary payments.

Navajo Nation views it necessary for the legislative fix to continue the enforcement remedy of federal tax fund interception that Navajo Nation will reach out to advocate for passage of the Thune/Wyden bill for a continuance of the enforcement remedy of collecting the involuntary payments. In some court cases, this is it's only payment families may receive yearly. This also helps the paying parent to reduce the child support arrears owed.

The Senator from South Dakota and Senator from Oregon have a bill regarding this.

Thank you.

DIRECTOR JOHNSON: Thank you.

Sis?

MS. HORN: Good morning.

DIRECTOR JOHNSON: Sis.

MS. HORN: Sis Horn from Fort Belknap.

I just want to reiterate what Tish said. We've been working on this issue for a long time. And one of the things that I want to point out is that tribal child support programs are working on the ground level with our families, and we want our children to have a stable, good future. And if we can get access to this federal tax intercept program, we can get money to our children and we can help our families grow and be responsible members of society.

And I just want to remind the Federal Government that they have the Trust responsibilities to tribes. I'm appreciative of the OCSE coming to the table and talking to us. And I just wish that other federal agencies could have this kind of communication with tribes.

And I thank you.

DIRECTOR JOHNSON: Thank you, Sis.

Is there anybody else in the room or online that wanted to provide testimony around legislative priorities?

Yes.

MR. WARREN HAWK: I've heard that Councilman

Yazzie comment about Senator Thune and Wyden the Tribal Child Support Enforcement Act. And I just want to comment that sometimes legislation just kind of stutters and gets stuck in the process. So last night I reached out to our Tribal Affairs liaison in North and South Dakota, and I sent them the article that I read last night on that bill and asked them to -- to move it forward so we can have something settled. But even Senator Thune says that Tribal Child Support Enforcement Office is really on unequal footing as far as access to child support. The same as states. And I fully support that. Hope that we can move forward with that. It's -- there's nothing less that we should expect as tribal -- tribal nations, Child Support Enforcement Office.

Thank you.

DIRECTOR JOHNSON: Thank you.

Is there any other testimony on any other legislative priorities?

MS. SWANSON: Good morning. My name is Tammy Swanson, T-a-m-m-y, S-w-a-n-s-o-n. I'm here on behalf of the Sokaogon Chippewa

community in Northern Wisconsin, and I've been designated to present testimony on behalf of the Tribe.

Our tribe is one of the newest startup child support agencies I believe in the country. And we have been working with the KIDS system as well in Wisconsin. And the federal tax offset is -- is very important for all of the tribes.

And I just want to say that I believe that tribal child support agencies have been developed to assist our tribal members in areas where the states have not been able to perform. And I think that that's clear from some of the tribal regulations that are on states and so forth. Tribes are just in a much better situation to serve their tribal members. And it is unfair to try to expect them to perform those same duties as states but not to grant them the same access to resources.

And so I really want to echo the comments here about parity for child support, equity to access. We really try to do a good job for our families. We care about our families. And it's hard for us to explain to

them why they shouldn't allow their kids to transfer county court to tribal if we can't access the same resources for them.

And so I really encourage support for the legislative fix. Again, if it was an oversight so many years ago, it should be able to be remedied.

And I do want to thank the Commissioner and everybody from OCSE and Councilman Spoonhunter for hosting this consultation and for listening to us.

[Native language.]

DIRECTOR JOHNSON: Thank you, Tammy. Is there anyone else that wish to provide testimony either in the room or virtually? On legislative priority?

(No response.)

DIRECTOR JOHNSON: Commissioner and Councilman, did you want any wrap-up comment as we wrap up that consultation.

COUNCILMAN SPOONHUNTER: Thank you, Director Johnson.

So listening to our tribal leaders today and to our trial child support delegates that are here on the topic of behalf of the tribes,

we hear you loud and clear. We hear you loud and clear that there are legislative priorities. Some 12-plus years or more, that most importantly tax offset. That the tribes should have the samein resources that states do while working child support cases to the families.

As we've known as programs have become Comprehensive, there are some case -- some child support cases that have received child support for the first time through their -- Indian communities through these tribal child support programs that have been established. A working collaboratively with the states. And so I just want to reiterate again today that we hear you loud and clear.

COMMISSIONER GRAY: Good morning again. And I too want to clearly communicate that the Federal Office of Child Support Enforcement has heard all of your testimony today expressing the need and benefit for access to the federal tax offset program. I appreciate all of the history, Tish and others, as they communicated as well, especially around oversight and efforts that's been made, not only just by OCSE

but by our national child support associations as well. And so I just want to make sure that you are aware that it's been noted. And OCSE continues its collaboration in an effort to hopefully bring about some resolution.

DIRECTOR JOHNSON: Thank you.

So I know we are about 20 minutes from a lunch break, and looking at another topic. The next topic that's on the agenda is additional regulatory changes. And we provided a web narrative on February 28th that kind of walked through some possible ideas that the Office of Child Support Enforcement had for potential regulatory changes.

We also provided a link to that with the recording via e-mail in advance of today, and we have as a handout in the room the Power Point as well that kind of highlighted some of those possible regulatory changes.

Does anybody want me to go over and highlight those before we begin taking testimony? Because if so, we can maybe do that before lunch and come back after lunch and start with testimony? Would that sound like a good idea? I just don't want to repeat it if

you don't want to hear it again.

Everybody is giving me a thumbs up. Okay. Bear with me just one second, and I'll see that I can find that slide deck. I said I wasn't going to present today, but apparently I'm going to do it.

* * * PAUSE * * *

DIRECTOR JOHNSON: All right. So for those of you attending virtually, you should have received this presentation via e-mail. I'm also going to share the screen really quickly. I will just walk through this as a general overview so that then you can break for lunch, and we can have testimony about any of the potentials that we have recommended or proposed.

These are not written so what we're talking about is just ideas. There's not been pen to paper yet to start the clearance process to begin drafting any of these proposed. This is a regulatory amendments that are separate and apart from the non-federal share that we spoke of this morning. I just want to make sure they're separate -- separate tracks.

So I'm going to -- so the first one that

we had offered up is, we know that submitting a budget annually is a burden and we have heard that for many years, the burden of submitting in a budget. So the first possible regulation change could be instead of submitting a budget annually you could submit a budget every three years that would be a three-year budget projection. So that's the first proposal. Again, these are not set in stone. We're wanting your feedback after lunch so that we can hear from you whether these are good ideas or not.

The next one is about receiving the financial form. So submitting the forms through electronic submission for the annual budget. Right now we get annual budget submissions. They may come in through snail mail, through regular mail. They may come in via e-mail, or some of our tribes will submit their budgets using GrantSolutions. I believe the count last year was 54 percent -- no -- 54 out of 60 tribes do use GrantSolutions to submit their budgets already electronically, so this proposal was just to go ahead and make that a requirement to submit electronically.

That everything goes into GrantSolutions. That's where it houses your awards. That's where you process any amendments. So all communication and everything would be housed within that electronic GrantSolution.

So this next proposal really ties to the first one. If the budgets are going to now be three times bigger, three times more information, we would need to push back probably the deadline. So we would postpone instead of having the budgets be due August 1, make it June 1. I heard concerns about going all the way back to June 1. So we look forward to hearing your thoughts on that.

We also are hopeful that we have more tribal programs so that we might help with the review to get the budgets done.

So the next proposal was just to provide some clarity. Our regulations are pretty much silent when it comes to budget revisions. So this would be adding something. Not changing what's in there, but just adding the situation that could warrant a budget revision such as an increase in your approved budget. Movement of funds if it's going to be 10 percent,

clarifying that if you're moving funds and it's less than 10 percent of your budget, a revision is not needed. And then setting out those items that might need prior approval.

One other proposal is around contracts. Right now all contracts have to come in as part of the tribal plan. That's the language I have highlighted there in yellow. So our proposal had been instead of all contacts coming in as part of the plan, it would only have to be contracts that are related to IT, information technology contracts such as your systems, cloud computing imaging that would have to come in. Everything else that was by contract could just be a list, noting who your vendor is and the services they provide. That could come in, and you wouldn't have to scrutinize and look at all the actual contracts. So things like testing or contract through your attorney or things like that, we wouldn't have to see those kind of contracts.

The next proposal was around the SF-425. So the SF-425 is also known as the federal financial report. This gets submitted quarterly. Quarterly during the obligation

period and also quarterly during the liquidation period. So you're submitting eight reports for one award. And so the proposal for this would be to move it to the -- once at the end of the obligation period and once at the end of the liquidation period. So it would move it from eight reports down to two only. Hopefully we would eliminate some of that administrative burden.

Another proposal. Right now if a new tribe wants to apply to startup -- start a program, our regulations say they must mail that application to the federal office. We just want to put information in the regulation that would provide how they can also electronically submit an application.

The next one is really kind of a technical fix. Right now the regulation says that if the grant is more than a million dollars that we're going to issue it quarterly. We give the same amount every quarter. We don't actually do it that in practice. We actually issue one award October 1st. So this would just be adjusting the regulation to match the practice we are doing.

This one is a really technical fix. Our regulation references the form SF-269(a) which is now your SF-425 expenditure report. So just make sure that it points someone to the actual form that you're using.

This one deals with the reporting, and it is the reporting that goes into your statistical and narrative report which is your OCSE 75. Right now what's noted there on the slide is everything that the regulation says is part of the 75. But as we've made tweaks to the 75 form in the last ten years, it doesn't necessarily align with what the regulation says would come in. So this would just be aligning the regulation to match the data that does come in with your annual 75 report.

And that's my quick overview. Okay? So again, let's break. If there's no questions. Anybody have questions at the moment?

(No response.)

DIRECTOR JOHNSON: Okay. Then I say let's break for lunch. We're convening at 1:30. 1:30 Eastern. So you have a little bit more than an hour and a half.

Again, take anything with you that's

valuable. We would recommend that. And we'll be back here at 1:30.

(A recess was taken from 11:49 a.m. to 1:36 p.m. EST.)

DIRECTOR JOHNSON: Welcome back. Did everybody have a great lunch?

Outstanding. So everyone in the room Jeff has donated his earnings -- not winnings, but earnings -- which is a cheesecake. It's over on this table. So they're going to provide us for plates or forks.

COMMISSIONER GRAY: Good afternoon and welcome back. And this is Commissioner Tangular Gray. Afternoon. Welcome back. Again, this is Commissioner Tangular Gray.

Melissa Johnson went over the list of items prior to breaking for lunch. And so my only additional comment is just a reminder that all of these additional regulations that are being considered or proposed during this session of the agenda will require and must go through a separate notice of a proposed rulemaking process. So I just want to make sure we have that reminder.

And I am going to turn it over to

Council Spoonhunter before we move forward with testimony.

COUNCILMAN SPOONHUNTER: Thank you,
Commissioner Gray.

Review of the proposed changes to some
of the reports and exhibit numbers and the
contracts and so on, I think that really does
help the tribes because that's something the
tribes have been wanting for a very long time,
and the type of process with rulemaking. So I
look forward to tribal leader --

(There was an interruption in wifi.)

COUNCILMAN SPOONHUNTER: The joys of
technology.

* * * PAUSE * * *

COUNCILMAN SPOONHUNTER: Okay. Are we
set up for those on line? Okay. Good deal.

So as I was stating again, thank you
Commissioner.

And also on the topic of additional
regulatory changes and procedural technical
changes, we know they have to go through
procedural change and the process but we are
looking forward to the tribe providing feedback
on what Melissa gave to the directors on a call

about a month ago and then also when she tried to recap for us today. So we look forward to the tribal leaders and also the delegates who are able to speak for their tribes on the feedback to each.

Thank you.

DIRECTOR JOHNSON: I think we're still having a little bit of audio issues because I know the camera keeps freezing, it seems, for those of you out virtual world. So we apologize. We'll do the best we can.

So now we'll open up the floor to the testimony in the room for the tribal leaders about the proposed regulation changes we covered. Or if there's other regulation changes that you would also like to put forth for us to consider, you would be welcome to hear that information as well.

So I open the floor to any tribal leaders in the room.

Amber?

MS. CALDERA: Good afternoon. My name is Amber Caldera from the Port Gamble S'Klallam.

As for the regulatory changes, the Port

Gamble, we do not have -- sorry. At this time we've been struggling to come up with the non-federal share for the year. We cannot predict what's going to happen in a three-year budget. If the non-federal share was to be eliminated, then our program would consider a three-year option for sure.

Regarding the financial forms submittal requirements, Port Gamble doesn't have an issue with this as long as it's not made mandatory. Our IT department likes to change things up on us sometimes, which causes us some technical difficulties.

And then also we do not want to move the submission date to June 1st instead of August 1st.

As for the budget revisions, we would like more discussion and information before we can discuss situations clarifying the situations that warrant a budget revision, such movement of funds between categories and items needing pre-approval prior to purchase.

I'll save for the contracts and the tribal plan. We'll have more discussion on that topic as well.

And for the electronic application submission, we don't have any issues with that also, as long as it's not mandatory. And we don't have any issues with the technical fixes for the award notices and changing the SF-296 to SF-425. And same with the 45 CFR 309.170 (b) to align with the revised OCSE 75 reports.

Thank you.

DIRECTOR JOHNSON: Thank you. I appreciate that feedback.

Is there any other tribal leaders in the room that want to provide testimony?

(No response.)

DIRECTOR JOHNSON: Okay. I'm going to open it up for any tribal leaders that are virtual. Do you have any tribal leaders that virtually want to provide any testimony around the additional regulatory changes that we've mentioned or have other regulatory changes that you might want to propose?

Again opening up for any tribal leaders virtually that would like to provide testimony about any other potential regulatory changes.

(No response.)

DIRECTOR JOHNSON: I am not seeing

anybody, so now I'm going to go back up to the room.

Are there any delegates that are here that would like to give testimony on the topic of regulatory changes?

Oh, sorry. Hi, Lynette.

MS. DIXEY: Good afternoon.

In regards to the regulatory changes. Oh, do I have to state my name again? Lynette Dixey. Shoshone-Bannock Tribe.

Again in regards to the regulation change, it would not -- in changing to zero percent match, changing the annual budget submission to a three-year submission would not be a hardship for our tribe as our calculation of the non-federal share will not be a factor in projecting a three-year budget.

Submitting the budget prior to August 1st, however, will -- will not work for our tribe as we have elections in May and the new Council generally approves budgets in June and July. So August 1st is definitely a better choice for us.

Clarification of budget revisions will definitely be helpful.

Electronic submissions on reports and budgets are the preferred method for the Shoshone-Bannock Tribes right now.

Also yearly submission -- submission of the forms SF-425 is preferred. Contracts to be included in the Comprehensive plan will be beneficial instead of yearly submissions of contracts, excluding IT system contracts and cooperative agreements. This proposed change will reduce time in preparation of the budget.

Thank you.

DIRECTOR JOHNSON: Thank you, Lynette.

Is there any other delegates in the room that would like to provide testimony around the regulation changes?

(No response.)

DIRECTOR JOHNSON: Sue? Or was there somebody else?

MS. SMITH: It's me. Susan Smith from Lac Courte Oreilles. I can go through my list here.

I am okay with the three-year budget proposal. Our annual budget submission of three-year budget, but it does -- it is if the match -- or the match is a limitation on

three-year plan to submit, that would be a problem.

And let's see. I have no problem with the technical fixes and also the award timing which we all reviewed, so there's no timing problem there.

The electronic submission, have no problem with.

And the reporting frequency where it is done the end of the obligation year and the end of liquidation year is a good idea.

Let's see what else we got here. The contracts, do like the idea that the IT contracts would be the only ones we would have to submit. The others would be on a list that we use from year to year. That would be great.

And I think I went over all of them I'm looking at. So okay. Thank you.

DIRECTOR JOHNSON: Thank you, Sue.

Is that anybody else in there?

Ralph?

MR. JEFFERSON: Thank you. I'll start off by saying we don't have a problem with the technical fixes.

Sorry. Ralph Jefferson, Lummi Nation.

No problem with the technical fixes.

I do want to object, though, to the budget revisions when they're less than ten percent movement between categories. The general rule is now not just for ACF programs but other Federal grants, if it's less than ten percent, we don't need to seek permission to move from one category to the next if it's an anticipated cost. That's going to come up with three-year grants and one-year grant. And so making us go back for that when it's less than ten percent, what if it's only one percent, two percent? We have to go back, it creates more work for us. So I don't know. I don't understand why that -- and I don't remember. If you offered that explanation, I'm sorry, I missed it. But I can't agree with changing the June 1st, that would make things a little harder. I understand. We get our wish, and it's by zero percent match, that's going to create more work for your team. And so bumping that out to an earlier date would be helpful if the tribes gets an alert on time and give their team the time necessary to review those. So we could support that although it would be a

little more challenging.

And that's the limit of my comments.
Thank you.

DIRECTOR JOHNSON: Thank you, Ralph.

And I do want to clarify that budget revision piece. So we were not recommending that you would have to do a budget revision if it was less than ten percent. It would just be clarifying in the regulation that you do need if it's more than ten percent but not if it's less. So maybe my slide isn't clear on that. So, yeah. I don't want to make more work for you on that.

Is there anyone else in the room that wanted to provide testimony on other potential regulation changes?

(No response.)

DIRECTOR JOHNSON: I'm not seeing any hands, so I'm going to open it up to the virtual attendees.

Are there any delegates attending virtually that would like to provide testimony around the other potential regulation changes?

(No response.)

Again if there's any attendees virtually

that would like to provide testimony, we would love to hear them.

I have never known this group to be so quiet.

FROM THE FLOOR: I was just saying, kind of a quiet group here.

DIRECTOR JOHNSON: We've been lulled into the after lunch snooze fest I think. All right.

Any last call for any testimony on the potential regulation changes?

(No response.)

DIRECTOR JOHNSON: Okay. Then I think we can move on to the final topic, which I believe is on tribal systems.

And I'm going to pass the baton back to the Commissioner or Council Spoonhunter.

Oh, I'm sorry. We're making them really work now because a comment just came in.

The question that came in is if the budget was changed to a three-year cycle, would the entire amount have to be set aside in the first year if the match is not eliminated. So it moved to the three-year budget cycle. There would still be an annual award that would

happen every October? So it would still be that you would need your non-federal share for that annual, upcoming annual amount. It would just be that you would submit everything at once. But then we would issue it three times. If that makes sense, Diana.

Okay. All right. Hold on. Now Sis has a question.

MS. HORN: Budget plan. Are you talking about now? Or after the match is dealt with?

DIRECTOR JOHNSON: Well, what's what we were gathering testimony on. And from what I've heard so far is, I've heard that they would be welcome more to the idea what was happening after if it was an elimination of the non-federal share. Versus the concerns for it right now. So we're just welcome to your thoughts either way. Are you welcome to it right now? Are you opposed to it right now? Or how you feel about it.

MS. HORN: I think I would be opposed to it right now because there's so many stuff that influences the match on the local level that there's, you know, never know what Mother Nature is going to do in North Central Montana.

It could drought us or blizzard us. So there's a lot of factors that come into our -- ours is all in kind, but we have to rely on other tribal programs, local businesses, and the courts and everything. So if the courts are closed, you know, that's a big portion of our match. So I -- I would be opposed to it right now, but if the match is done away with or even reduced, it would be a lot simpler to do a three-year budget.

DIRECTOR JOHNSON: Okay. Thank you, Sis.

MS. CONTRERAS: Yeah. Okay. Oyate Contreras. I'm from Winnebago. I just have a question.

If the match is eliminated and we go -- and then this gets put into place as well, how is that going to change our contracts, our -- because all of that stuff is going to end up being a plan amendment; am I correct?

DIRECTOR JOHNSON: Your contract would be a plan amendment. I'm not sure.

MS. CONTRERAS: No, no. The contract time frame. Because right now it's annual or two years. So would we have to change all of

that and would that mean a plan amendment --

DIRECTOR JOHNSON: That all depends. Because the number one part of what we've talked about has also been addressing whether or not you would have to submit all your contracts. And so if that as eliminated, the only contracts that would come would be IT related. So I think that's a great comment of whether, if we change to a three year-budget you ask for the contract to be now a three-year period versus a one-year period.

MS. CONTRERAS: Yes. Correct.

DIRECTOR JOHNSON: So I'm open to your thoughts on that. Okay.

Any more testimony about regulations?

(No response.)

DIRECTOR JOHNSON: I'm really going to pass the mic to Council Spoonhunter now. Last call.

(No response.)

DIRECTOR JOHNSON: Okay.

COUNCILMAN SPOONHUNTER: Okay. Thank you, Director Johnson.

Our fourth and final topic here today for our tribal consultation is tribal systems.

And I know that there are some tribes who do use MTS, there are tribes who can't afford to the money to put that in place, the MTS system, and I know there are some tribes that would like a regulation change so they could purchase the software that would be compatible to do their cases out in the country.

As we know, we have various different caseload sizes, and we're not all the same as far as how many cases we have in our child support programs. They vary from hundreds of cases to thousands upon thousands of cases. And so we're really looking forward to the feedback here for tribal systems on what has worked and what hasn't worked. And where do you think that we should go here with the feedback and the suggestions and the testimony to help OCSE move forward in a direction that would help work collaboratively with the tribes.

And I will give this to Commissioner Gray.

COMMISSIONER GRAY: Thank you.

So April marks 16 months for me serving in role as Commissioner. And in that time

period, I have heard from many of you as it relates to the systems. I really appreciate all the feedback. There's been a lot of communication, as Councilman Spoonhunter mentioned, about MTS. And then there's actually been a lot of discussion around your needs. And so I am looking forward to your testimony.

I do want to mention how I hope to process the feedback you provide around the three P's. How much more OCSE can do to provide you with your needs as it relates to people we serve. You know, how we can streamline our processes through the future of tribal systems and how we can better increase performance as well. So I want to welcome your recommendations and suggestions. And just provide a quick reminder that the goal is to solicit feedback what you need moving forward.

DIRECTOR JOHNSON: Thank you, Councilman and Commissioner.

At this point we're going to open it up here in the room first for testimony from our tribal leaders.

I can see Amber is already hot on the

mic so we'll go to Amber first.

MS. CALDERA: Hello again. Amber Caldera, Port Gamble S'Klallam Tribe.

For the tribal systems we'd like to see a visit and session around how OCSE -- sorry -- can provide for more flexibility for clients to purchase a computer system with federal dollars.

Currently systems such as Eagle Sun Tribal Assistant System is not allowed under these regulations to be built, but is allowed to be used by employees. Only maintenance costs is available. That are allowable.

There also needs to be a more flexibility on tribes being able to get any system paid for with federal dollars. We are the experts on our programs. We know what would work best for our programs. We should be able to decide that for ourselves the not being able to purchase and install Eagle System tribal systems has been a hardship for our program for sure.

Our other tribal programs, they were fortunate in purchasing the system at the beginning of their programs and the child

support program continues to lag behind the Excel spreadsheets and Word documents.

Last year our tribal was fortunate enough to have a state database built for us using Office Automation funds available. And I will say that has made my job much easier and more efficient and more effective.

Thank you.

DIRECTOR JOHNSON: Thank you, Amber.

Are there other tribal leaders in the room?

Sue? Just a minute. Let me get to the tribal leaders.

Okay. Any other tribal leaders in the room that wanted to provide testimony around systems?

(No response.)

DIRECTOR JOHNSON: Okay. Are there any tribal leaders on line that wanted to provide testimony around tribal systems?

(No response.)

DIRECTOR JOHNSON: Any tribal leaders on line that want to provide testimony around tribal systems?

(No response.)

DIRECTOR JOHNSON: Okay. I'm not seeing anyone. So now I'm going to open up on the floor for delegates.

And I know Sue is ready to talk. Sue, do you have a mic?

MS. SMITH: I do now.

This is -- our tribal systems or access to tribal systems or programs is really important. It gives us up-to-date, relevant, current ability to do the processing of our case management and our financial management with the efficiency that should be done. And without the proper systems or the support systems, it's really important. The flexibility to purchase whatever product is necessary, but also to be -- having report, we're limited on installation. They will do purchase that installation and to continue with maintenance, of course, but -- it is very important that we do have these systems.

Thank you.

DIRECTOR JOHNSON: Thank you, Sue. I appreciate that.

Is there anyone else in the room that wanted to provide testimony around tribal

systems?

Lynette?

MS. DIXEY: Lynette Dixey. Shoshone-Bannock

Tribes.

As far as tribal systems allowing the tribal transport program to continue to use the office automation system provided by Access and Data Solutions LLC, has been beneficial -- beneficial in efficiency with case management, financial records, and reporting. It really has helped our program to move along, especially with reporting. I really like that. Instead of spending endless hours on trying to update our Excel spreadsheet, that has really helped. And case management has really -- well, will improve. We were using just like an Excel spreadsheet and keeping track of what's happening in there, and then one day it disappeared. So luckily, you know, we have the CIS program, and I really like it. And I'm glad now OCSE has allowed us to have that opportunity to use it.

Let's see. I think the only issue I have as far as, like, with the budget and IT and your request, one time we did ask for

new -- new computers. And they had requested for documentation of the old computers that were purchased. And that was before my time. And so trying to research and find those documents was -- was a task. But since we only have to retain our documents for three years, so luckily we must be hoarders because we were able to find it and submit that. So I think that's just one of the issues that we have is to provide that documentation.

Those computers are older than old. Like, I think we just requested a server last year. And it was getting that server this year though that was purchased back in 2013 so, holy moly. That was going back. So that's -- that's my testimony as far as tribal systems concerned.

DIRECTOR JOHNSON: Thank you, Lynette.

I would add I don't believe we asked for that documentation anymore about retiring the old computers to go back and find that. So I appreciate that and recognize that was a hardship at the time. And I think we've modernized that, to not have it.

Tish?

MS. KEAHNA KRUZAN: Thank you. Tish,
T-i-s-h, K-e-a-h-n-a K-r-u-z-a-n.

I apologize for not doing that earlier
for your stenographer.

I -- if I could add on a little bit,
some of you were aware that I was the attorney
with Red Cliff Child Support Services. I was
very
grateful to serve with them for a very long
time. And now the Lac Courte Oreilles. But I
mention both of those because on one tribe I
worked for, we were on KIDS, which is the
Wisconsin state case management system and
then with Lac Courte Oreilles. We are not on
KIDS as a case management system.

And I'd like to highlight the difference
because it's important for one to acknowledge
our state counterparts to allow that
flexibility. Some of them do work really well
with tribes and, you know, open that access up
and those relationships. But sometimes even if
the state is open to that, it might not be the
right fit for that particular tribe either
because of size or choosing to manage our own
system.

So again, it's just a reminder that it's

important that tribes have the flexibility to choose which -- which system is correct for them. And those choices, be it with a state system or with a system that we choose ourselves, that -- that choice itself is an expression of sovereignty. And the flexibility I think there is acknowledging that tribes have the right to make their own choices on this and how to best serve our communities.

So thank you for the time.

DIRECTOR JOHNSON: Thank you, Tish. Is there anybody else in the room that wanted to provide testimony?

(No response.)

DIRECTOR JOHNSON: Again I'm going to open it up for anybody that's attending virtually. Does anyone virtually attending want to provide testimony on tribal systems?

(No response.)

DIRECTOR JOHNSON: All right. Last call. Anybody in the room or on line would like to provide testimony around tribal systems?

Did you want to say something? Okay. Thomas could you pass the microphone down to

Judy? Thank you.

MS. PLATERO: Good afternoon. My name is Judy Platero, P-l-a-t-e-r-o, from Navajo Nation.

And I don't -- I'd like to provide testimony that systems are very, very important. And the flexibility to each of the tribes, what accommodates the tribes, is very, very important. For our Navajo Nation, we aren't able to use Access or Excel. And that's way beyond -- you know, our caseload is way beyond the capacity for that. So with us, we use the state systems. And it's really, really accommodating. And the automation as far as the state system is what works for our huge caseload. Like I said, we have 7,500 cases that we have -- active cases that we have that we're working with. So it's very -- really very important. And that's one of the things that is necessity for child support programs, that we have a system advocating on behalf of the -- all tribes that systems is very important and the need for flexibility and accommodation to the tribe itself.

Thank you.

DIRECTOR JOHNSON: Thank you. Thank you, Judy.

We had a good little chat earlier about the systems modernization that you're going through, so I know that's been a lot.

Okay. Is there anyone else that wanted to provide system today about systems?

(No response.)

DIRECTOR JOHNSON: I would like to take a chance to do a last call for any of the topics. So if maybe you missed out on one of the other topics we've talked about, was there anybody that wanted to provide any testimony that missed the opportunity maybe when we were talking about it? And I'll share or tribal legislative priorities or anything else that anybody wanted to provide testimony that we may have missed them?

(No response.)

DIRECTOR JOHNSON: Okay. I'm going to hand the microphone back over on the Councilman and Commissioner Gray. Thank you.

COUNCILMAN SPOONHUNTER: Thank you, Director Johnson.

In my closing remarks today, first of

all I want to thank the Commissioner Gray and Director Johnson and the Office of Child Support Enforcement for allowing me to co-facilitate today. You know, again I said there was truly a homecoming to get to see a lot of familiar faces and see you all here and work with you all. I commend all of you as directors and as people who work the programs who are on the front lines helping improve the lives of our children and families. We truly are doing a remarkable job out there and in Indian country. And I really appreciate all your hard efforts for all of you that impact lives that we've talked about today. Again, that we're still here we're talking about different issues here. And it all comes back to building and strengthening healthy families and building a generation of leaders to come.

You know, back home in Northern Arapaho, I always say to our people, you've got to invest in your children. You've got to raise them. You've got to give them the mentality you are raising senators that are going to be in office some day, and maybe even a president of the United States. You and -- you invest in

that child with that mentality, that child is going to be successful.

And so again, I thank you all for that today. Hearing from all of the tribal leaders and all the delegates in the room and online, for as a tribal leader here and a friend of OCSE, I heard you loud and clear today that we've been talking about these same issues for many years now. And the call to action is now. And so I thank you for that today, hearing that from all of you. Again, you know, it's been a remarkable day to come back to listen and to learn a lot from all of you and what you're doing out there and your programs in Indian country.

I wish you all well. Travel home safe back to your communities. A job well done. And continue to do your jobs. Thank you so much. And for me as a tribal leader, I just want to say in my language, [native language], which means thank you.

COMMISSIONER GRAY: Yes. It is indeed an honor to co-facilitate this tribal consultation today with Councilman Spoonhunter. So thank you so much.

And I also want to thank all of you as well. I am very passionate about the child support program, but my thanks to you is providing me with the opportunity to learn more about our tribal child support community and tribal families.

And so just as a reminder, your testimonies today will be a part of the official record. You can still provide written testimony regarding the four topics that we covered today. We would ask, however, that additional testimony is submitted by Saturday, May 6th, to the OCSE Tribal Resource e-mail box. And if you don't have it, I want to give it to you now. It is the OCSE.tribal@acf.hhs.gov. One more time. OCSE.tribal@acf.hhs.gov. And that due date is Saturday, May 6th.

A final report based on today's consultation and testimony -- we just lost audio. Oh, no. My very last statement.

(Conferring.)

COMMISSIONER GRAY: Testing. Testing. Can you hear me? Those that are online? Testing. Testing. Absolutely great.

So once again as we close out and we are

wishing all of you safe travels, for written testimony in addition to the testimonies provided today can we can be submitted by Saturday, May 6 to the OCSE.tribal@acf.hhs.gov. A final report on today's consultation and testimony will be compiled, prepared, disseminated to all of you.

So thank you everyone so very much and safe travels.

(Applause.)

(The consultation was adjourned at 2:22 p.m. EST.)

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C E R T I F I C A T E

I, M. DARLENE ENGEL, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the proceedings.

I further certify that I am neither attorney, of counsel for, nor related to or employed by any of the parties to the action; further that I am not a relative or employee of any attorney or counsel employed in this case; nor am I financially interested in the action.

M. DARLENE ENGEL, CCR
License No 30XI0102300

Dated: April 23, 2023
My Notary Commission Expires
November 21, 2024
ID No 2062871

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